

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/631,973 Confirmation No. : 3676  
Filed : August 1, 2003  
Applicant : Daniel Lee Hamilton, et al.  
Title : Payment Processing with Selection of a  
Processing Parameter  
  
TC/AU : 3694  
Examiner : Tien C. Nguyen  
  
Docket No. : 23952-0106  
Customer No. : 72386

**COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE****VIA EFS-WEB**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir or Madam:

Responsive to the Notice of Allowability mailed on August 17, 2009, and the Examiner's Statement of Reasons for Allowance, Applicants submit the following clarifying remarks. The Examiner's Statement of Reasons for Allowance state that *Amalraj*, either taken individually or in combination with other prior art of record fails to teach or render obvious the claimed inventions. However, Applicants would like to clarify that none of the cited art, either taken alone, in combination with *Amalraj*, or in any other combination, teaches or suggests the claimed inventions.

Additionally, the Examiner's Statement of Reasons for Allowance incorrectly recites the elements of the allowed independent claims. The Applicants respectfully assert that the allowed claims are those set forth in the Amendment and Response to Non-final Office Action filed on June 30, 2009. The Examiner's Statement of Reasons for Allowance also recites claim elements that are not necessarily required by the allowed independent claims. For example, the Examiner's Statement of Reasons for Allowance recites the elements of "wherein identifying a second optimal combination comprising a second debit option and a second credit option,

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wherein the total value of the first optimal combination equals the total value of the second optimal combination and selecting the first combination based on evaluating a second function using the respective values of another of the plurality of payment processing factors” as being allowable over the cite art references. However, these elements are not required by allowed independent claims 1 and 13 and are instead addressed in dependent Claims 6, 7, 18, and 19.

Moreover, the Examiner’s Statement of Reasons for Allowance emphasizes certain claim elements as not being disclosed in the prior art. However, such statements should not be construed as identifying the only possible novel and non-obvious features of the Applicants’ inventions. The Applicants respectfully assert that the allowed claims may be considered novel and non-obvious over the cited prior art references for reasons other than those emphasized in the Examiner’s statement of reasons for allowance.

Further, while the Applicants believe that the claims are allowable, the Applicants do not acquiesce that patentability resides in each feature, exactly as expressed in the claims, nor that each feature is required for patentability.

Respectfully submitted,



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**Date: September 2, 2009**

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